

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-31092 of 2016

Date of decision:- September 29, 2016

VINEET @ KAKU AND ANOTHER

.....PETITIONERS..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Parminder Singh, Advocate,
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, petitioners have sought bail, in case FIR No.425, dated 10.08.2016, under Sections 420, 407, 379, 411 and 120-B IPC, Police Station Gharaunda, District Karnal, during the pendency of trial.

2. Undoubtedly, the petitioners are suffering incarceration from the date of their arrest i.e. 10.08.2016. The allegation against the petitioners is that they were siphoning tarcoal from Tank bearing No.PB-10-CC-4275 without the prior permission of its owner, from whom, the tarcoal was brought.

3. Undeniably, the owner of the tanker has not come forward to lodge any FIR or complaint that he has been defrauded which is a necessary

ingredient to attract offence under Sections 407 IPC as well as that of Section 411 IPC. It is also an admitted fact that after the arrest of the petitioners, they were subjected to custodial interrogation, during which nothing was recovered from them. The tarcoal was alleged to have been recovered at the spot in the factory premises. The petitioners are in judicial lock-up, meaning thereby, they were no more required for custodial interrogation/investigation. Moreover, presentation of challan and its disposal would likely to take sufficient long time. Thus, no useful purpose would be served by keeping the petitioners behind the bars for an indefinite period.

4. In the light of what has been discussed above, this Court is of the considered view that case is made out for grant of bail. Accordingly, petition is allowed and petitioners are ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate.

September 29, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No